

EX PARTE OR LATE FILED

BROOKS FIBER PROPERTIES, INC.

RECEIVED

JUL 18 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

July 18, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M St., N.W.
Washington, D.C. 20036

Re: CC Docket No. 96-98; Use of Proxy Rates for Unbundled Loops Until
Such Time as SLRIC Costing Is Fully Implemented at the State Level

Dear Mr. Caton:

Attached is a copy of a letter sent today to Mr. Robert M. Pepper, Chief, Office of Plans and Policy, in the above matter.

Best regards,

John C. Shapleigh /jsb

John C. Shapleigh
Executive Vice President

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Mr. Robert M. Pepper
Chief, Office of Plans and Policy
Federal Communications Commission
1919 M St., N.W.
Washington, D.C. 20036

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: CC Docket No. 96-98; Use of Proxy Rates for Unbundled Loops Until
Such Time as TSLRIC Costing Is Fully Implemented at the State Level

Dear Mr. Pepper:

It is Brooks Fiber Properties' position the Commission should use TSLRIC as the pricing standard for all unbundled network elements pursuant to Section 251(c)(3) of the Telecommunications Act of 1996. Some parties have recently alleged that the difficulty in requiring data production and imposing a new costing methodology will create delay in most jurisdictions before a robust TSLRIC standard is widely enforced. As a precaution against the possibility of delay in TSLRIC pricing, Brooks Fiber Properties believes that any party requesting unbundled network elements should be able to request and immediately obtain such elements using "proxy" prices as a temporary surrogate for TSLRIC.

In the case of unbundled loops, Brooks Fiber Properties proposes using Centrex loop prices as a proxy. As shown in the attached sample tariff pages, depending on loop volume, length of the loop, and duration of the contract, Centrex loop prices are as low as \$1.05 for Bell Atlantic, \$3.59 for Ameritech, and \$3.93 for US WEST. Specific loop proxy prices would be determined using the volume of loops, length of loops, and length of contract sought by the particular party requesting the unbundled loops in order to calculate the applicable amount. In situations where the ILEC does not have a separate tariff charge for centrex loops, but has submitted public evidence as to the cost of such loops, the cost calculation would be used as the proxy. Where functions in addition to the unbundled loop are included in such prices or costs, any costs for the additional functions would be removed before determining the proxy amount.

Centrex loop rates are clearly compensatory because they have been proposed by the ILECS themselves, and because most jurisdictions require that individual services be compensatory. Indeed, the ILECs have successfully defended several Centrex rates against PBX industry claims that these prices were unduly low. Accordingly, the ILECs are clearly estopped from now claiming these rates are below cost. Please let me know if I can answer any questions you may have concerning this matter.

cc: W. Caton
J. Farrell
J. Schlichting
R. Welch

Best regards.



John C. Shapleigh
Executive Vice President

MICHIGAN BELL
TELEPHONE COMPANY
TARIFF M.P.S.C. NO. 20R

Ameritech

PART 5

SECTION 2

Tariff

PART 5 - Centrex Services
SECTION 2 - Centrex Services

Original Sheet No. 10

CENTREX

D. RATES AND CHARGES

1. Station Lines

a. Centrex Local Loop Matrix

<u>Number of Loops</u>	<u>Nonrecurring Charge</u>	<u>Price per Loop /b/ /c/</u>
First 25	/a/	\$ 10.03
Next 174		6.32
Next 300		5.49
Next 500		4.57
Additional		3.59

- /a/ Line Connection Charges or Line Rearrangement Charges specified in Part 3 are applicable to add or change a Centrex Local Loop.
- /b/ A \$.04 per line credit will be applied to Centrex loops on a trunk equivalency basis effective April 18, 1995 pursuant to the Commission's Order in M.P.S.C. Case No. U-10672.
- /c/ The rate changes effective on April 18, 1995 are subject to further Commission review pursuant to 1991 PA 179.

CENTREX CENTRAL OFFICE SERVICE

C. CENTREX SYSTEM OFFERINGS (Cont'd)

1. BASIC CENTREX C.O. SERVICE (Cont'd)

RATES (Cont'd)

		<u>Monthly Rate</u>		
		Intercom- munication Charge(1)	Exchange Access	Total
Product/ Service	Charge	(Applies in Addition to Exc. Acc. Chg.)	Charge	
Main Station Lines(2) (Unrestricted, Partially Restricted and Fully Restricted)				
Measured				
First 100 Station Lines, each.....	\$45.00	\$13.95 ^e (1)	\$2.05 ^e (1)	\$16.00 ^e (1)
Additional Station Lines each.....	45.00	10.75 ^e (1)	1.05 ^e (1)	11.80 ^e (1)
Flat(3)				
First 100 Station Lines each.....	45.00	13.95 ^e (1)	6.35 ^e (1)	20.30 ^e (1)
Additional Station Lines each.....	45.00	10.80 ^e (1)	4.20 ^e (1)	15.00 ^e (1)
Bridged Station Lines...		(4)		

NOTES:

- (1) The amount shown includes the applicable Interstate Centrex Line Cost Charge as specified in The Bell Atlantic Telephone Companies' Tariff F.C.C. No. 1.
- (2) Includes main stations and station lines, restricted or unrestricted. The main station line rate applies to bridged station lines at premises other than the premises of the associated main station line or when duplicate service is provided.
- (3) Not available for new Centrex systems or existing measured rated Centrex systems.
- (4) The rate for a main station line applies when bridged to a different premises or when duplicate service is provided.

^e Flexibly priced.

ISSUED JUNE 2, 1993.

EFFECTIVE AUGUST 1, 1993.

By Daniel J. Whelan Vice-President, 315 N. 2nd St., Harrisburg, Pa.

In compliance with the Order of the Pennsylvania Public Utility Commission
in Docket L-830092 entered September 21, 1987.

CENTREX CENTRAL OFFICE SERVICE

C. CENTREX SYSTEM OFFERINGS (Cont'd)

1. BASIC CENTREX C.O. SERVICE (Cont'd)

RATES (Cont'd)

Additional Charges	<u>Monthly Rate</u> <u>Intercommunication</u> <u>Charge</u>
Station Mileage Charges - For each Centrex Main Station Line located over 1 Airline Mile from the serving central office or extension of such central office via a remote switching vehicle	
- Per quarter mile for each Centrex main station line located between 5 - 10 quarters (inclusive) from the serving central office or extension of such central office via a remote switching vehicle	\$ 1.10(I)
- For each Centrex main station line located beyond 10 quarters from the serving central office or extension of such central office via a remote switching vehicle, a fixed mileage rate is applicable	11.70(I)

New England Telephone and Telegraph Company**8.5 Digital Centrex Services**

ID	Service Category	Rate Element	Rate	USOC
	Transfer of Service	NRC	96.99	
	Service Establishment	Initial Installation—One time charge		
		—Per System	420.00	
		—Per Line	40.00	
		Subsequent additions or changes		
		—Per Line	40.00	
	Central Office Common Equipment	Schedule A—Vintage I—Upfront payment		
		—Per system	780.00	
		Schedule A—Vintage II—Upfront payment		
		—Per system	440.00	
	Main Station Lines	Central Office Facilities—Schedule A—Vintage I—Upfront payment—Per main station line, each line	330.00	
		Central Office Facilities—Schedule A—Vintage II—Upfront payment—Per main station line, each line	295.00	
		Central Office Facilities—Schedule B—Monthly—Per main station line, each line	1.95	
		Outside Plant Facilities—Schedule A—Vintage I—Upfront payment—0 to and including ½ airline mile—Per customer premises—Per main station line, each line	95.00	
		Outside Plant Facilities—Schedule A—Vintage I—Upfront payment—Over ½ to and including 1 airline mile—Per customer premises—Per main station line, each line	340.00	
		Outside Plant Facilities—Schedule A—Vintage I—Upfront payment—Over 1 to and including 1½ airline miles—Per customer premises—Per main station line, each line	530.00	

Issued: August 18, 1995

Effective: September 17, 1995

William J. McIntyre
Vice President - Massachusetts

New England Telephone and Telegraph Company

ID	Service Category	Rate Element	Rate	USOC
	Main Station Lines	Outside Plant Facilities—Schedule A—Vintage I—Upfront payment—Over 1½ to and including 2 airline miles—Per customer premises—Per main station line, each line	695.00	
		Outside Plant Facilities—Schedule A—Vintage I—Upfront payment—Over 2 to and including 2½ airline miles—Per customer premises—Per main station line, each line	940.00	
		Outside Plant Facilities—Schedule A—Vintage I, each line—Upfront payment—Over 2½ to and including 3 airline miles—Per customer premises—Per main station line, each line	1,520.00	
		Outside Plant Facilities—Schedule A—Vintage II—Upfront payment—0 to and including ½ airline miles—Per customer premises—Per main station line, each line	95.00	
		Outside Plant Facilities—Schedule A—Vintage II—Upfront payment—Over ½ to and including 1 airline mile—Per customer premise—Per main station line, each line	270.00	
		Outside Plant Facilities—Schedule A—Vintage II—Upfront payment—Over 1 to and including 1½ airline miles—Per customer premises—Per main station line, each line	395.00	
		Outside Plant Facilities—Schedule A—Vintage II—Upfront payment—Over 1½ to and including 2 airline miles—Per customer premises—Per main station line, each line	495.00	
		Outside Plant Facilities—Schedule A—Vintage II—Upfront payment—Over 2 to and including 2½ airline miles—Per customer premises—Per main station line, each line	665.00	
		Outside Plant Facilities—Schedule A—Vintage II—Upfront payment—Over 2½ to and including 3 airline miles—Per customer premises—Per main station line, each line	995.00	

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Effective: September 17, 1995

William J. McIntyre
Vice President - Massachusetts

New England Telephone and Telegraph Company

ID	Service Category	Rate Element	Rate	USOC
	Main Station Lines	Outside Plant Facilities—Schedule B—0 to and including ½ airline mile—Monthly—Per customer premises—Per main station line, each line	.87	
		Outside Plant Facilities—Schedule B—Over ½ to and including 1 airline mile—Monthly—Per customer premises—Per main station line, each line	1.95	
		Outside Plant Facilities—Schedule B—Over 1 to and including 1½ airline miles—Monthly—Per customer premises—Per main station line, each line	3.03	
		Outside Plant Facilities—Schedule B—Over 1½ to and including 2 airline miles—Monthly—Per customer premises—Per main station line, each line	4.11	
		Outside Plant Facilities—Schedule B—Over 2 to and including 2½ airline miles—Monthly—Per customer premises—Per main station line, each line	5.19	
		Outside Plant Facilities—Schedule B—Over 2½ to and including 3 airline miles—Monthly—Per customer premises—Per main station line, each line	8.22	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule A—Vintage I—Upfront payment charges—0 to and including ½ airline mile—Per customer premises	178.50	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule A—Vintage I—Upfront payment charges—Over ½ to and including 1 airline mile—Per customer premises	281.40	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule A—Vintage I—Upfront payment charges—Over 1 to and including 1½ airline miles—Per customer premises	361.20	

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Effective: September 17, 1995

William J. McIntyre
Vice President - Massachusetts

New England Telephone and Telegraph Company

ID	Service Category	Rate Element	Rate	USOC
	Main Station Lines	Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule A—Vintage I—Upfront payment charges—Over 1½ to and including 2 airline miles—Per customer premises	430.50	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule A—Vintage I—Upfront payment charges—Over 2 to and including 2½ airline miles—Per customer premises	533.40	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule A—Vintage I—Upfront payment charges—Over 2½ to and including 3 airline miles—Per customer premises	777.00	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule A—Vintage II—Upfront payment charges—0 to and including ½ airline mile—Per customer premises	163.80	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule A—Vintage II—Upfront payment charges—Over ½ to and including 1 airline mile—Per customer premises	237.30	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule A—Vintage II—Upfront payment charges—Over 1 to and including 1½ airline miles—Per customer premises	289.80	
		Amount Attributable to Exchange Access by Central Office and OSP facilities—Included in Schedule A—Vintage II—Upfront payment charges—Over 1½ to and including 2 airline miles—Per customer premises	331.80	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule A—Vintage II—Upfront payment charges—Over 2 to and including 2½ airline miles—Per customer premises	403.20	

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William J. McIntyre
Vice President - Massachusetts

New England Telephone and Telegraph Company

Intellipath Digital Centrex Service				
ID	Service Category	Rate Element	Rate	USOC
	Main Station Lines	Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule A—Vintage II—Upfront payment charges—Over 2½ to and including 3 airline miles—Per customer premises	541.80	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule B—0 to and including ½ airline mile—Monthly—Per customer premises	1.18	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule B—Over ½ to and including 1 airline mile—Monthly—Per customer premises	1.64	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule B—Over 1 to and including 1½ airline miles—Monthly—Per customer premises	2.11	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule B—Over 1½ to and including 2 airline miles—Monthly—Per customer premises	2.57	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule B—Over 2 to and including 2½ airline miles—Monthly—Per customer premises	2.98	
		Amount Attributable to Exchange Access by Central Office and OSP Facilities—Included in Schedule B—Over 2½ to and including 3 airline miles—Monthly—Per customer premises	4.27	
	Standard Features	Subsequent Additions or Changes—NRC—Per line	40.00	
	Conversion Charges	From Centrex I, Centrex II, Custom, or Nova to Intellipath—NRC—Per system	200.00	
		From Centrex I, Centrex II, Custom, or Nova to Intellipath—NRC—Per main station line	6.00	

U S WEST COMMUNICATIONS SERVICES CATALOG

STATE OF IOWA
EFFECTIVE: 7-1-94

CENTREX PLUS SERVICE

PAGE: 8
RELEASE: 4

D. PRICE LIST - COMMON SWITCHING ELEMENTS (Continued)

3. Common Line Facilities, per location [1]

	USOC	NONRECURRING CHARGE[3]	MONTHLY RATE	
- Month-to-Month flat main station line, extension station line, blocked, each [2]	RKY/X5G			
1 - 20 station lines		-	\$ 20.00	(R)
21 - 50 station lines		-	20.00	
51 station lines and over		-	20.00	(R)
		12 TO 35 MONTHS	36 TO 59 MONTHS	60 TO 84 MONTHS
- Rate Stabilized flat main station line, extension station line, blocked, each [2]	RHN/X5S			
1 - 20 station lines	-	\$20.00	\$18.00	\$16.00 (R)
21 - 50 station lines,	-	17.00	15.00	14.00
51 station lines and over	-			
- 1 Qtr mile from CO	-	5.25	4.35	3.93
- 2 Qtr miles from CO	-	5.81	4.77	4.30
- 3 Qtr miles from CO	-	6.40	5.23	4.69
- 4 Qtr miles from CO	-	7.14	5.80	5.18
- 5 Qtr miles from CO	-	7.79	6.29	5.60
- 6 Qtr miles from CO	-	8.46	6.81	6.05
- 7 Qtr miles from CO	-	9.40	7.50	6.68
- 8 Qtr miles from CO	-	10.04	8.02	7.09
- 9 Qtr miles from CO	-	11.01	8.76	7.73
- 10 Qtr miles from CO	-	12.99	10.27	9.04
- 11 Qtr miles from CO	-	13.37	10.95	9.61
- 12 Qtr miles from CO	-	15.71	13.08	11.34
- 13 Qtr miles from CO	-	17.37	13.98	12.90
- 14 Qtr miles from CO	-	18.01	14.52	13.43
- 15 Qtr miles from CO	-	18.99	15.34	14.24
- 16 Qtr miles from CO	-	21.31	17.27	16.16
- 17 Qtr miles from CO	-	22.04	17.88	16.30
- 18 Qtr miles from CO	-	22.64	18.37	16.74
- 19 Qtr miles from CO	-	23.12	18.78	17.11
- 20 Qtr miles from CO	-	26.39	21.50	19.58 (R)

[1] In addition, the End User Common Line Charge applies to each Common Line Facility.

[2] Also apply rates and charges for Network Access Registers as found elsewhere in this Catalog.

[3] Apply rates and charges as found in the Service Charges section of this Catalog.

U S WEST COMMUNICATIONS SERVICES CATALOG

STATE OF IOWA
EFFECTIVE: 7-1-94

CENTREX PLUS SERVICE

PAGE: 8.1
RELEASE: 3

D. PRICE LIST - COMMON SWITCHING ELEMENTS (Continued)

3. Common Line Facilities, per location [1] (Continued)

		12 TO 35 MONTHS	36 TO 59 MONTHS	60 TO 84 MONTHS	
	USOC	NON- RECURRING CHARGE[3]			
- Rate Stabilized f at main station line extension station line, blocked, each [2] (Continued)					
	RHN/XSS				
51 station lines and over (Continued)					
-21 Qtr miles from CO	-	26.62	21.69	19.73	(R)
-22 Qtr miles from CO	-	26.85	21.88	19.90	
-23 Qtr miles from CO	-	27.07	22.07	20.07	
-24 Qtr miles from CO	-	27.30	22.26	20.24	
-25 Qtr miles from CO	-	27.53	22.45	20.41	
-26 Qtr miles from CO	-	27.75	22.64	20.58	
-27 Qtr miles from CO	-	27.98	22.83	20.75	
-28 Qtr miles from CO	-	28.21	23.02	20.92	
-39 Qtr miles from CO	-	28.43	23.20	21.09	
-30 Qtr miles from CO	-	28.66	23.39	21.26	
-31 Qtr miles from CO	-	28.89	23.58	21.43	
-32 Qtr miles from CO	-	29.11	23.77	21.60	
-33 Qtr miles from CO	-	29.34	23.96	21.77	
-34 Qtr miles from CO	-	29.57	24.15	21.94	
-35 Qtr miles from CO	-	29.79	24.34	22.11	
-36 Qtr miles from CO	-	30.02	24.53	22.28	
-37 Qtr miles from CO	-	30.25	24.72	22.45	
-38 Qtr miles from CO	-	30.47	24.90	22.62	
-39 Qtr miles from CO	-	30.70	25.09	22.79	
-40 Qtr miles from CO	-	30.97	25.32	22.99	(R)

[1] In addition, the End User Common Line Charge applies to each Common Line Facility.

[2] Also apply rates and charges for Network Access Registers as found elsewhere in this Catalog.

[3] Apply rates and charges as found in the Service Charges section of this Catalog.